

Calendar No. 299

104TH CONGRESS
1ST Session

S. 1500

A BILL

To establish the Cache La Poudre River National
Water Heritage Area in the State of Colorado,
and for other purposes.

DECEMBER 22, 1995

Read the second time and placed on the calendar

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1ST SESSION

S. 1500

To establish the Cache La Poudre River National Water Heritage Area
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IN THE SENATE OF THE UNITED STATES

DECEMBER 21, 1995

Mr. BROWN introduced the following bill; which was read the first time

DECEMBER 22, 1995

Read the second time and placed on the calendar

A BILL

To establish the Cache La Poudre River National Water
Heritage Area in the State of Colorado, and for other
purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Cache La Poudre River
5 National Water Heritage Area Act”.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to designate the Cache
3 La Poudre River National Water Heritage Area within the
4 Cache La Poudre River Basin and to provide for the inter-
5 pretation, for the educational and inspirational benefit of
6 present and future generations, of the unique and signifi-
7 cant contributions to our national heritage of cultural and
8 historical lands, waterways, and structures within the
9 Area.

10 **SEC. 3. DEFINITIONS.**

11 As used in this Act:

12 (1) AREA.—The term “Area” means the Cache
13 La Poudre River National Water Heritage Area es-
14 tablished by section 4(a).

15 (2) COMMISSION.—The term “Commission”
16 means the Cache La Poudre River National Water
17 Heritage Area Commission established by section
18 5(a).

19 (3) GOVERNOR.—The term “Governor” means
20 the Governor of the State of Colorado.

21 (4) PLAN.—The term “Plan” means the water
22 heritage area interpretation plan prepared by the
23 Commission pursuant to section 9(a).

24 (5) POLITICAL SUBDIVISION OF THE STATE.—
25 The term “political subdivision of the State” means
26 a political subdivision of the State of Colorado, any

1 part of which is located in or adjacent to the Area,
2 including a county, city, town, water conservancy
3 district, or special district.

4 (6) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior.

6 **SEC. 4. ESTABLISHMENT OF THE CACHE LA POUFRE RIVER**
7 **NATIONAL WATER HERITAGE AREA.**

8 (a) ESTABLISHMENT.—There is established in the
9 State of Colorado the Cache La Poudre River National
10 Water Heritage Area.

11 (b) BOUNDARIES.—The boundaries of this Area shall
12 include those lands within the 100-year flood plain of the
13 Cache La Poudre River Basin, beginning at a point where
14 the Cache La Poudre River flows out of the Roosevelt Na-
15 tional Forest and continuing east along said floodplain to
16 a point one quarter of one mile west of the confluence of
17 the Cache La Poudre River and the South Platte Rivers
18 in Weld County, Colorado, comprising less than 35,000
19 acres, and generally depicted as the 100-year flood bound-
20 ary on the Federal Flood Insurance maps listed below:

21 (1) FLOOD INSURANCE RATE MAP, LARIMER
22 COUNTY, CO.—Community-Panel No. 080101
23 0146B, April 2, 1979. United States Department of
24 Housing and Urban Development, Federal Insurance
25 Administration.

1 (2) FLOOD INSURANCE RATE MAP, LARIMER
2 COUNTY, CO.—Community-Panel No. 080101
3 0147B, April 2, 1979. United States Department of
4 Housing and Urban Development, Federal Insurance
5 Administration.

6 (3) FLOOD INSURANCE RATE MAP, LARIMER
7 COUNTY, CO.—Community-Panel No. 080101
8 0162B, April 2, 1979. United States Department of
9 Housing and Urban Development, Federal Insurance
10 Administration.

11 (4) FLOOD INSURANCE RATE MAP, LARIMER
12 COUNTY, CO.—Community-Panel No. 080101
13 0163C, March 18, 1986. Federal Emergency Man-
14 agement Agency, Federal Insurance Administration.

15 (5) FLOOD INSURANCE RATE MAP, LARIMER
16 COUNTY, CO.—Community-Panel No. 080101
17 0178C, March 18, 1986. Federal Emergency Man-
18 agement Agency, Federal Insurance Administration.

19 (6) FLOOD INSURANCE RATE MAP, LARIMER
20 COUNTY, CO.—Community-Panel No. 080102
21 0002B, February 15, 1984. Federal Emergency
22 Management Agency, Federal Insurance Administra-
23 tion.

24 (7) FLOOD INSURANCE RATE MAP, LARIMER
25 COUNTY, CO.—Community-Panel No. 080101

1 0179C, March 18, 1986. Federal Emergency Man-
2 agement Agency, Federal Insurance Administration.

3 (8) FLOOD INSURANCE RATE MAP, LARIMER
4 COUNTY, CO.—Community-Panel No. 080101
5 0193D, November 17, 1993. Federal Emergency
6 Management Agency, Federal Insurance Administra-
7 tion.

8 (9) FLOOD INSURANCE RATE MAP, LARIMER
9 COUNTY, CO.—Community-Panel No. 080101
10 0194D, November 17, 1993. Federal Emergency
11 Management Agency, Federal Insurance Administra-
12 tion.

13 (10) FLOOD INSURANCE RATE MAP, LARIMER
14 COUNTY, CO.—Community-Panel No. 080101
15 0208C, November 17, 1993. Federal Emergency
16 Management Agency, Federal Insurance Administra-
17 tion.

18 (11) FLOOD INSURANCE RATE MAP, LARIMER
19 COUNTY, CO.—Community-Panel No. 080101
20 0221C, November 17, 1993. Federal Emergency
21 Management Agency, Federal Insurance Administra-
22 tion.

23 (12) FLOOD INSURANCE RATE MAP, LARIMER
24 COUNTY, CO.—Community-Panel No. 080266
25 0605D, September 27, 1991. Federal Emergency

1 Management Agency, Federal Insurance Administra-
2 tion.

3 (13) FLOOD INSURANCE RATE MAP, LARIMER
4 COUNTY, CO.—Community-Panel No. 080264
5 0005A, September 27, 1991. Federal Emergency
6 Management Agency, Federal Insurance Administra-
7 tion.

8 (14) FLOOD INSURANCE RATE MAP, LARIMER
9 COUNTY, CO.—Community-Panel No. 080266
10 0608D, September 27, 1991. Federal Emergency
11 Management Agency, Federal Insurance Administra-
12 tion.

13 (15) FLOOD INSURANCE RATE MAP, LARIMER
14 COUNTY, CO.—Community-Panel No. 080266
15 0609C, September 28, 1982. Federal Emergency
16 Management Agency, Federal Insurance Administra-
17 tion.

18 (16) FLOOD INSURANCE RATE MAP, LARIMER
19 COUNTY, CO.—Community-Panel No. 080266
20 0628C, September 28, 1982. Federal Emergency
21 Management Agency, Federal Insurance Administra-
22 tion.

23 (17) FLOOD INSURANCE RATE MAP, LARIMER
24 COUNTY, CO.—Community-Panel No. 080184
25 0002B, July 16, 1979. United States Department of

1 Housing and Urban Development, Federal Insurance
2 Administration.

3 (18) FLOOD INSURANCE RATE MAP, LARIMER
4 COUNTY, CO.—Community-Panel No. 080266
5 0636C, September 28, 1982. Federal Emergency
6 Management Agency, Federal Insurance Administra-
7 tion.

8 (19) FLOOD INSURANCE RATE MAP, LARIMER
9 COUNTY, CO.—Community-Panel No. 080266
10 0637C, September 28, 1982. Federal Emergency
11 Management Agency, Federal Insurance Administra-
12 tion.

13 As soon as practicable after the date of enactment of this
14 Act, the Secretary shall publish in the Federal Register
15 a detailed description and map of the boundaries of the
16 Area.

17 (c) PUBLIC ACCESS TO MAPS.—The maps shall be on
18 file and available for public inspection in—

19 (1) the offices of the Department of the Inte-
20 rior in Washington, District of Columbia, and Den-
21 ver, Colorado; and

22 (2) local offices of the city of Fort Collins,
23 Larimer County, the city of Greeley, and Weld
24 County.

1 **SEC. 5. ESTABLISHMENT OF THE CACHE LA POUFRE RIVER**
2 **NATIONAL WATER HERITAGE AREA COMMIS-**
3 **SION.**

4 (a) ESTABLISHMENT.—

5 (1) IN GENERAL.—There is established the
6 Cache La Poudre River National Water Heritage
7 Area Commission.

8 (2) FUNCTION.—The Commission, in consulta-
9 tion with appropriate Federal, State, and local au-
10 thorities, shall develop and implement an integrated
11 plan to interpret elements of the history of water de-
12 velopment within the Area.

13 (b) MEMBERSHIP.—

14 (1) COMPOSITION.—The Commission shall be
15 composed of 15 members appointed not later than 6
16 months after the date of enactment of this Act. Of
17 these 15 members—

18 (A) 1 member shall be a representative of
19 the Secretary of the Interior which member
20 shall be an ex officio member;

21 (B) 1 member shall be a representative of
22 the Forest Service, appointed by the Secretary
23 of Agriculture, which member shall be an ex
24 officio member;

1 (C) 3 members shall be recommended by
2 the Governor and appointed by the Secretary,
3 of whom—

4 (i) 1 member shall represent the
5 State;

6 (ii) 1 member shall represent Colo-
7 rado State University in Fort Collins; and

8 (iii) 1 member shall represent the
9 Northern Colorado Water Conservancy
10 District;

11 (D) 6 members shall be representatives of
12 local governments who are recommended by the
13 Governor and appointed by the Secretary, of
14 whom—

15 (i) 1 member shall represent the city
16 of Fort Collins;

17 (ii) 2 members shall represent
18 Larimer County, 1 of which shall represent
19 agriculture or irrigated water interests;

20 (iii) 1 member shall represent the city
21 of Greeley;

22 (iv) 2 members shall represent Weld
23 County, 1 of which shall represent agricul-
24 tural or irrigated water interests; and

1 (v) 1 member shall represent the city
2 of Loveland; and

3 (E) 3 members shall be recommended by
4 the Governor and appointed by the Secretary,
5 and shall—

6 (i) represent the general public;

7 (ii) be citizens of the State; and

8 (iii) reside within the Area.

9 (2) CHAIRPERSON.—The chairperson of the
10 Commission shall be elected by the members of the
11 Commission from among members appointed under
12 subparagraph (C), (D), or (E) of paragraph (1). The
13 chairperson shall be elected for a 2-year term.

14 (3) VACANCIES.—A vacancy on the Commission
15 shall be filled in the same manner in which the origi-
16 nal appointment was made.

17 (c) TERMS OF SERVICE.—

18 (1) IN GENERAL.—Except as provided in para-
19 graphs (2) and (3), each member of the Commission
20 shall be appointed for a term of 3 years and may be
21 reappointed.

22 (2) INITIAL MEMBERS.—The initial members of
23 the Commission first appointed under subsection
24 (b)(1) shall be appointed as follows:

1 (A) 3-YEAR TERMS.—The following initial
2 members shall serve for a 3-year term:

3 (i) The representative of the Secretary
4 of the Interior.

5 (ii) 1 representative of Weld County.

6 (iii) 1 representative of Larimer
7 County.

8 (iv) 1 representative of the city of
9 Loveland.

10 (v) 1 representative of the general
11 public.

12 (B) 2-YEAR TERMS.—The following initial
13 members shall serve for a 2-year term:

14 (i) The representative of the Forest
15 Service.

16 (ii) The representative of the State.

17 (iii) The representative of Colorado
18 State University.

19 (iv) The representative of the North-
20 ern Colorado Water Conservancy District.

21 (C) 1-YEAR TERMS.—The following initial mem-
22 bers shall serve for a 1-year term:

23 (i) 1 representative of the city of Fort
24 Collins.

1 (ii) 1 representative of Larimer Coun-
2 ty.

3 (iii) 1 representative of the city of
4 Greeley.

5 (iv) 1 representative of Weld County.

6 (v) 1 representative of the general
7 public.

8 (3) PARTIAL TERMS.—

9 (A) FILLING VACANCIES.—A member of
10 the Commission appointed to fill a vacancy oc-
11 ccurring before the expiration of the term for
12 which a predecessor was appointed shall be ap-
13 pointed only for the remainder of their term.

14 (B) EXTENDED SERVICE.—A member of
15 the Commission may serve after the expiration
16 of that member's term until a successor has
17 taken office.

18 (d) COMPENSATION.—Members of the Commission
19 shall receive no compensation for their service on the Com-
20 mission.

21 (e) TRAVEL EXPENSES.—While away from their
22 homes or regular places of business in the performance
23 of services for the Commission, members shall be allowed
24 travel expenses, including per diem in lieu of subsistence,
25 in the same manner as persons employed intermittently

1 in the Government service are allowed expenses under sec-
2 tion 5703 of title 5, United States Code.

3 **SEC. 6. STAFF OF THE COMMISSION.**

4 (a) STAFF.—The Commission shall have the power
5 to appoint and fix the compensation of such staff as may
6 be necessary to carry out the duties of the Commission.

7 (1) APPOINTMENT AND COMPENSATION.—Staff
8 appointed by the Commission—

9 (A) shall be appointed without regard to
10 the city service laws and regulations; and

11 (B) shall be compensated without regard
12 to the provisions of chapter 51 and subchapter
13 III of chapter 53 of title 5, United States Code,
14 relating to classification of positions and Gen-
15 eral Schedule pay rates.

16 (b) EXPERTS AND CONSULTANTS.—Subject to such
17 rules as may be adopted by the Commission, the Commis-
18 sion may procure temporary and intermittent services to
19 the same extent as is authorized by section 3109(b) of title
20 5, United States Code, at rates for individuals that do not
21 exceed the daily equivalent of the annual rate of basic pay
22 prescribed for level V of the Executive Schedule under sec-
23 tion 5316 of such title.

24 (c) STAFF OF OTHER AGENCIES.—

1 (1) FEDERAL.—Upon request of the Commis-
2 sion, the head of a Federal agency may detail, on a
3 reimbursement basis, any of the personnel of the
4 agency to the Commission to assist the Commission
5 in carrying out the Commission’s duties. The detail
6 shall be without interruption or loss of civil service
7 status or privilege.

8 (2) ADMINISTRATIVE SUPPORT SERVICES.—The
9 Administrator of the General Services Administra-
10 tion shall provide to the Commission, on a reimburs-
11 able basis, such administrative support services as
12 the Commission may request.

13 (3) STATE.—The Commission may—

14 (A) accept the service of personnel detailed
15 from the State, State agencies, and political
16 subdivisions of the State; and

17 (B) reimburse the State, State agency, or
18 political subdivision of the State for such serv-
19 ices.

20 **SEC. 7. POWERS OF THE COMMISSION.**

21 (a) HEARINGS.—

22 (1) IN GENERAL.—The Commission may hold
23 such hearings, sit and act at such times and places,
24 take such testimony, and receive such evidence as

1 the Commission considers necessary to carry out this
2 Act.

3 (2) SUBPOENAS.—The Commission may not
4 issue subpoenas or exercise any subpoena authority.

5 (b) MAILS.—The Commission may use the United
6 States mails in the same manner and under the same con-
7 ditions as other departments and agencies of the Federal
8 Government.

9 (c) MATCHING FUNDS.—The Commission may use
10 its funds to obtain money from any source under a pro-
11 gram or law requiring the recipient of the money to make
12 a contribution in order to receive the money.

13 (d) GIFTS.—

14 (1) IN GENERAL.—Except as provided in sub-
15 section (e)(3), the Commission may, for the purpose
16 of carrying out its duties, seek, accept, and dispose
17 of gifts, bequests, or donations of money, personal
18 property, or services received from any source.

19 (2) CHARITABLE CONTRIBUTIONS.—For the
20 purpose of section 170(c) of the Internal Revenue
21 Code of 1986, a gift to the Commission shall be
22 deemed to be a gift to the United States.

23 (e) REAL PROPERTY.—

24 (1) IN GENERAL.—Except as provided in para-
25 graph (2) and except with respect to a leasing of fa-

1 cilities under section 6(c)(2), the Commission may
2 not acquire real property or an interest in real prop-
3 erty.

4 (2) EXCEPTION.—Subject to paragraph (3), the
5 Commission may acquire real property in the Area,
6 and interests in real property in the Area—

7 (A) by gift or devise;

8 (B) by purchase from a willing seller with
9 money that was given or bequeathed to the
10 Commission; or

11 (C) by exchange.

12 (3) CONVEYANCE TO PUBLIC AGENCIES.—Any
13 real property or interest in real property acquired by
14 the Commission under paragraph (2) shall be con-
15 veyed by the Commission to an appropriate non-Fed-
16 eral public agency, as determined by the Commis-
17 sion. The conveyance shall be made—

18 (A) as soon as practicable after acquisi-
19 tion;

20 (B) without consideration; and

21 (C) on the condition that the real property
22 or interest in real property so conveyed is used
23 in furtherance of the purpose for which the
24 Area is established.

1 (f) COOPERATIVE AGREEMENTS.—For the purpose of
2 carrying out the Plan, the Commission may enter into co-
3 operative agreements with Federal agencies, State agen-
4 cies, political subdivisions of the State, and persons. Any
5 such cooperative agreement shall, at a minimum, establish
6 procedures for providing notice to the Commission of any
7 action that may affect the implementation of the Plan.

8 (g) ADVISORY GROUPS.—The Commission may es-
9 tablish such advisory groups as it considers necessary to
10 ensure open communication with, and assistance from
11 Federal agencies, State agencies, political subdivisions of
12 the State, and interested persons.

13 (h) MODIFICATION OF PLANS.—

14 (1) IN GENERAL.—The Commission may mod-
15 ify the Plan if the Commission determines that such
16 modification is necessary to carry out this Act.

17 (2) NOTICE.—No modification shall take effect
18 until—

19 (A) any Federal agency, State agency, or
20 political subdivision of the State that may be
21 affected by the modification receives adequate
22 notice of, and an opportunity to comment on,
23 the modification;

1 (B) if the modification is significant, as de-
2 termined by the Commission, the Commission
3 has—

4 (i) provided adequate notice of the
5 modification by publication in the area of
6 the Area; and

7 (ii) conducted a public hearing with
8 respect to the modification; and

9 (C) the Governor has approved the modi-
10 fication.

11 **SEC. 8. DUTIES OF THE COMMISSION.**

12 (a) PLAN.—The Commission shall prepare, obtain
13 approval for, implement, and support the Plan in accord-
14 ance with section 9.

15 (b) MEETINGS.—

16 (1) TIMING.—

17 (A) INITIAL MEETING.—The Commission
18 shall hold its first meeting not later than 90
19 days after the date on which its last initial
20 member is appointed.

21 (B) SUBSEQUENT MEETINGS.—After the
22 initial meeting, the Commission shall meet at
23 the call of the chairperson or 7 of its members,
24 except that the Commission shall meet at least
25 quarterly.

1 ship interest in land, water, or water rights
2 within the Area; and

3 (B) conduct public hearings within the
4 Area for the purpose of providing interested
5 persons the opportunity to testify about matters
6 to be addressed by the Plan.

7 (3) RELATIONSHIP TO EXISTING PLANS.—The
8 Plan—

9 (A) shall recognize any existing Federal,
10 State, and local plans;

11 (B) shall not interfere with the implemen-
12 tation, administration, or amendment of such
13 plans; and

14 (C) to the extent feasible, shall seek to co-
15 ordinate the plans and present a unified inter-
16 pretation plan for the Area.

17 (b) REVIEW OF PLAN.—

18 (1) IN GENERAL.—The Commission shall sub-
19 mit the Plan to the Governor for his review.

20 (2) GOVERNOR.—The Governor may review the
21 Plan and if he concurs in the Plan, may submit the
22 Plan to the Secretary, together with any rec-
23 ommendations.

24 (3) SECRETARY.—The Secretary shall approve
25 or disapprove the Plan within 90 days. In reviewing

1 the Plan, the Secretary shall consider the adequacy
2 of—

3 (A) public participation; and

4 (B) the Plan in interpreting, for the edu-
5 cational and inspirational benefit of present and
6 future generations, the unique and significant
7 contributions to our national heritage of cul-
8 tural and historical lands, waterways, and
9 structures within the Area.

10 (c) DISAPPROVAL OF PLAN.—

11 (1) NOTIFICATION BY SECRETARY.—If the Sec-
12 retary disapproves the Plan, the Secretary shall, not
13 later than 60 days after the date of disapproval, ad-
14 vise the Governor and the Commission of the rea-
15 sons for disapproval, together with recommendations
16 for revision.

17 (2) REVISION AND RESUBMISSION TO GOV-
18 ERNOR.—Not later than 90 days after receipt of the
19 notice of disapproval, the Commission shall revise
20 and resubmit the Plan to the Governor for review.

21 (3) RESUBMISSION TO SECRETARY.—If the
22 Governor concurs in the revised Plan, he may sub-
23 mit the revised Plan to the Secretary who shall ap-
24 prove or disapprove the revision within 60 days. If
25 the Governor does not concur in the revised Plan, he

1 may resubmit it to the Commission together with his
2 recommendations for further consideration and
3 modification.

4 (d) IMPEMENTATION OF PLAN.—After approval by
5 the Secretary, the Commission shall implement and sup-
6 port the Plan as follows:

7 (1) CULTURAL RESOURCES.—

8 (A) IN GENERAL.—The Commission shall
9 assist Federal agencies, State agencies, political
10 subdivisions of the State, and nonprofit organi-
11 zations in the conservation and interpretation of
12 cultural resources within the Area.

13 (B) EXCEPTION.—In providing the assist-
14 ance, the Commission shall in no way infringe
15 upon the authorities and policies of a Federal
16 agency, State agency, or political subdivision of
17 the State concerning the administration and
18 management of property, water, or water rights
19 held by such agency, political subdivision, or
20 private persons or entities, or affect the juris-
21 diction of the State of Colorado over any prop-
22 erty, water, or water rights within the Area.

23 (2) PUBLIC AWARENESS.—The Commission
24 shall assist in the enhancement of public awareness
25 of, and appreciation for, the historical, recreational,

1 architectural, and engineering structures in the
2 Area, and the archeological, geological, and cultural
3 resources and sites in the Area—

4 (A) by encouraging private owners of iden-
5 tified structures, sites, and resources to adopt
6 voluntary measures for the preservation of the
7 identified structure, site, or resource; and

8 (B) by cooperating with Federal agencies,
9 State agencies, and political subdivisions of the
10 State in acquiring, on a willing seller basis, any
11 identified structure, site, or resource which the
12 Commission, with the concurrence of the Gov-
13 ernor, determines should be acquired and held
14 by an agency of the State.

15 (3) RESTORATION.—The Commission may as-
16 sist Federal agencies, State agencies, political sub-
17 divisions of the State, and nonprofit organizations in
18 the restoration of any identified structure or site in
19 the Area with consent of the owner. The assistance
20 may include providing technical assistance for his-
21 toric preservation, revitalization, and enhancement
22 efforts.

23 (4) INTERPRETATION.—The Commission shall
24 assist in the interpretation of the historical, present,
25 and future uses of the Area—

1 (A) by consulting with the Secretary with
2 respect to the implementation of the Secretary's
3 duties under section 11;

4 (B) by assisting the State and political
5 subdivisions of the State in establishing and
6 maintaining visitor orientation centers and
7 other interpretive exhibits within the Area;

8 (C) by encouraging voluntary cooperation
9 and coordination, with respect to ongoing inter-
10 pretive services in the Area, among Federal
11 agencies, State agencies, political subdivisions
12 of the State, nonprofit organizations, and pri-
13 vate citizens, and

14 (D) by encouraging Federal agencies,
15 State agencies, political subdivisions of the
16 State, and nonprofit organizations to undertake
17 new interpretive initiatives with respect to the
18 Area.

19 (5) RECOGNITION.—The Commission shall as-
20 sist in establishing recognition for the Area by ac-
21 tively promoting the cultural, historical, natural, and
22 recreational resources of the Area on a community,
23 regional, statewide, national, and international basis.

24 (6) LAND EXCHANGES.—The Commission shall
25 assist in identifying and implementing land ex-

1 changes within the State of Colorado by Federal and
2 State agencies that will expand open space and rec-
3 reational opportunities within the flood plain of the
4 Area.

5 **SEC. 10. TERMINATION OF TRAVEL EXPENSES PROVISION.**

6 Effective on the date that is 5 years after the date
7 on which the Secretary approves the Plan, section 5 is
8 amended by striking subsection (e).

9 **SEC. 11. DUTIES OF THE SECRETARY.**

10 (a) ACQUISITION OF LAND.—The Secretary may ac-
11 quire land and interests in land within the Area that have
12 been specifically identified by the Commission for acquisi-
13 tion by the Federal government and that have been ap-
14 proved for such acquisition by the Governor and the politi-
15 cal subdivision of the State where the land is located by
16 donation, purchase with donated or appropriated funds,
17 or exchange. Acquisition authority may only be used if
18 such lands cannot be acquired by donation or exchange.
19 No land or interest in land may be acquired without the
20 consent of the owner.

21 (b) TECHNICAL ASSISTANCE.—The Secretary shall,
22 upon the request of the Commission, provide technical as-
23 sistance to the Commission in the preparation and imple-
24 mentation of the Plan pursuant to section 9.

1 (c) **DETAIL.**—Each fiscal year during the existence
2 of the Commission, the Secretary shall detail to the Com-
3 mission, on a nonreimbursable basis, 2 employees of the
4 Department of the Interior to enable the Commission to
5 carry out the Commission’s duties under section 8.

6 **SEC. 12. OTHER FEDERAL ENTITIES.**

7 (a) **DUTIES.**—Subject to section 13, a Federal entity
8 conducting or supporting activities directly affecting the
9 flow of the Cache La Poudre River through the Area, or
10 the natural resources of the Area shall consult with the
11 Commission with respect to such activities;

12 (b) **AUTHORIZATION.**—

13 (1) **IN GENERAL.**—The Secretary or Adminis-
14 trator of a Federal agency may acquire land in the
15 flood plain of the Area by exchange for other lands
16 within such agency’s jurisdiction within the State of
17 Colorado, based on fair market value: *Provided,*
18 That such lands have been identified by the Com-
19 mission for acquisition by a Federal agency and the
20 Governor and the political subdivision of the State
21 or the owner where the lands are located concur in
22 the exchange. Land so acquired shall be used to ful-
23 fill the purpose for which the Area is established.

24 (2) **AUTHORIZATION TO CONVEY PROPERTY.**—

25 The first sentence of section 203(k)(3) of the Fed-

1 eral Property and Administrative Services Act of
2 1949 (40 U.S.C. 484(k)(3)) is amended by striking
3 “historic monument, for the benefit of the public”
4 and inserting “historic monument or any such prop-
5 erty within the State of Colorado for the Cache La
6 Poudre River National Water Heritage Area, for the
7 benefit of the public”.

8 **SEC. 13. EFFECT ON ENVIRONMENTAL AND OTHER STAND-**
9 **ARDS, RESTRICTIONS, AND SAVINGS PROVI-**
10 **SIONS.**

11 (a) EFFECT ON ENVIRONMENTAL AND OTHER
12 STANDARDS.—

13 (1) VOLUNTARY COOPERATION.—In carrying
14 out this Act, the Commission and Secretary shall
15 emphasize voluntary cooperation.

16 (2) RULES, REGULATIONS, STANDARDS, AND
17 PERMIT PROCESSES.—Nothing in this Act shall be
18 considered to impose or form the basis for imposi-
19 tion of any environmental, occupational, safety, or
20 other rule, regulation, standard, or permit process
21 that is different from those that would be applicable
22 had the Area not been established.

23 (3) ENVIRONMENTAL QUALITY STANDARDS.—
24 Nothing in this Act shall be considered to impose
25 the application or administration of any Federal or

1 State environmental quality standard that is dif-
2 ferent from those that will be applicable had the
3 Area not been established.

4 (4) WATER STANDARDS.—Nothing in this Act
5 shall be considered to impose any Federal or State
6 water use designation or water quality standard
7 upon uses of, or discharges to, waters of the State
8 or waters of the United States, within or adjacent
9 to the Area, that is more restrictive than those that
10 would be applicable had the Area not been estab-
11 lished.

12 (5) PERMITTING OF FACILITIES.—Nothing in
13 the establishment of the Area shall abridge, restrict,
14 or alter any applicable rule, regulation, standard, or
15 review procedure for permitting of facilities within or
16 adjacent to the Area.

17 (6) WATER FACILITIES.—Nothing in the estab-
18 lishment of the Area shall affect the continuing use
19 and operation, repair, rehabilitation, expansion, or
20 new construction of water supply facilities, water
21 and wastewater treatment facilities, stormwater fa-
22 cilities, public utilities, and common carriers.

23 (7) WATER AND WATER RIGHTS.—Nothing in
24 the establishment of the Area shall be considered to

1 authorize or imply the reservation or appropriation
2 of water or water rights for any purpose.

3 (b) RESTRICTIONS ON COMMISSION AND SEC-
4 RETARY.—Nothing in this Act shall be construed to vest
5 in the Commission or the Secretary the authority to—

6 (1) require a Federal agency, State agency, po-
7 litical subdivision of the State, or private person (in-
8 cluding an owner of private property) to participate
9 in a project or program carried out by the Commis-
10 sion or the Secretary under the Act;

11 (2) intervene as a party in an administrative or
12 judicial proceeding concerning the application or en-
13 forcement of a regulatory authority of a Federal
14 agency, State agency, or political subdivision of the
15 State, including, but not limited to, authority relat-
16 ing to—

17 (A) land use regulation;

18 (B) environmental quality;

19 (C) licensing;

20 (D) permitting;

21 (E) easements;

22 (F) private land development; or

23 (G) other occupational or access issue;

1 (3) establish or modify a regulatory authority of
2 a Federal agency, State agency, or political subdivi-
3 sion of the State, including authority relating to—

4 (A) land use regulation;

5 (B) environmental quality; or

6 (C) pipeline or utility crossings;

7 (4) modify a policy of a Federal agency, State
8 agency, or political subdivision of the State;

9 (5) attest in any manner the authority and ju-
10 risdiction of the State with respect to the acquisition
11 of lands or water, or interest in lands or water;

12 (6) vest authority to reserve or appropriate
13 water or water rights in any entity for any purpose;

14 (7) deny, condition, or restrict the construction,
15 repair, rehabilitation, or expansion of water facili-
16 ties, including stormwater, water, and wastewater
17 treatment facilities; or

18 (8) deny, condition, or restrict the exercise of
19 water rights in accordance with the substantive and
20 procedural requirements of the laws of the State.

21 (c) SAVINGS PROVISION.—Nothing in this Act shall
22 diminish, enlarge, or modify a right of a Federal agency,
23 State agency, or political subdivision of the State—

24 (1) to exercise civil and criminal jurisdiction
25 within the Area; or

1 (2) to tax persons, corporations, franchises, or
 2 property, including minerals and other interests in
 3 or on lands or waters within the urban river corridor
 4 portions of the Area.

5 (d) ACCESS TO PRIVATE PROPERTY.—Nothing in
 6 this Act requires an owner of private property to allow
 7 access to the property by the public.

8 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) IN GENERAL.—There are authorized to be appro-
 10 priated not to exceed \$50,000 to the Commission to carry
 11 out this Act.

12 (b) MATCHING FUNDS.—Funds may be made avail-
 13 able pursuant to this section only to the extent they are
 14 matched by equivalent funds or in-kind contributions of
 15 services or materials from non-Federal sources.

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S 1500 PCS—3